

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the

Disciplinary Action of the

Educator Certificate of

Nicole Gabriella Rader

Certificate 265777

ORDER OF SUSPENSION

(BREACH OF CONTRACT)

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on August 13, 2019. On June 19, 2019, the South Carolina Department of Education (SCDE) sent Nicole Gabriella Rader a notice letter via regular and certified mail of her right to a hearing regarding the possible suspension of her South Carolina educator certificate. Ms. Rader received the notice on July 5, 2019, as evidenced by the signed postal receipt, and has not contacted the SCDE to request a hearing and is now in default. Under the South Carolina Rules of Civil Procedure 5(b), Ms. Rader has been given fair notice of constitutional due process.

After considering the evidence presented, the State Board voted to suspend Ms. Rader's educator certificate for a period of one year, commencing August 13, 2019, and ending August 11, 2020.

FINDINGS OF FACT

This case concerns a formal complaint of the Greenville County School District (District) seeking the suspension of the educator certificate of Nicole Gabriella Rader for breach of contract. The State Board has jurisdiction in this matter pursuant to S.C. Code Ann. § 59-25-150 (2018) and S.C. Code Ann. § 59-25-530 (2018).

On April 13, 2018, Ms. Rader signed a contractual agreement with the District to serve as a teacher for 2018-19 school year. On May 17, 2019, Ms. Rader submitted her resignation to the District, effective immediately. On May 20, 2019, the District informed Ms. Rader that her resignation constituted a breach of contract and would be reported to

the SCDE for action against her educator certification. The District Board voted to report Ms. Rader's breach of contract to the SCDE on May 20, 2019.

After considering the evidence, the State Board finds that the evidence presented demonstrates that Ms. Rader breached her contract with the District, and that just cause exists to suspend Ms. Rader's certificate 265777 for a period of one year, commencing on August 13, 2019, and ending on August 11, 2020.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." Just cause includes, *inter alia*, "unprofessional conduct" and "willful violation of the rules and regulations of the State Board of Education." S.C. Code Ann. § 59-25-160 (3) and (4) (2018). Pursuant to 24 S.C. Code Regs. 43-58 (2) and (14) (2018), the State Board of Education had the legal authority to suspend a certificate for "failure to comply with the provision of a contract without the written consent of the local school board." With respect to breach of contract, "any teacher who fails to comply with the provisions of his [or her] contract without written consent of the school board shall be deemed guilty of unprofessional conduct." S. C. Code Ann. § 59-25-530 (2018). "Upon formal complaint of the school board, substantiated by conclusive evidence, the state board shall suspend or revoke the teacher's certificate, for a period not to exceed one calendar year." *Id.*

The State Board finds that the evidence presented demonstrates that Ms. Rader breached her contract without the consent and/or approval of the District. Accordingly, the evidence presented supports the State Board's determination that just cause exists to suspend the educator certificate of Nicole Gabriella Rader for a period of one year, commencing on August 13, 2019, and ending on August 11, 2020.

If Ms. Rader wishes to have her educator certificate reinstated at the end of the suspension period, she shall make a written request to the SCDE's Office of Educator Services, and shall meet all certification requirements in effect at the time she requests reinstatement. Ms. Rader shall also pay the applicable reinstatement fee. The suspension of Ms. Rader's educator certificate 265777 shall be reported to the NASDTEC Clearinghouse and all South Carolina school districts within thirty days from the date of

this order, with the reason stated as “unprofessional conduct, breach of contract, willful neglect of duty, and failure to comply with the provisions of a contract without the written consent of the local school board.”

AND IT IS SO ORDERED.

South Carolina State Board of Education

s/Del-Gratia Jones
Del-Gratia Jones, Chair

Columbia, South Carolina
August 13, 2019